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EXAMINER

HOLLAR, ANDREA B

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/960,126

Applicant(s)

MONROE, DAVID A.

Examiner

Andrea B. Hollar

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☒ Claim(s) 1,2,4-7,12,15,20,26 and 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Specification***

The disclosure is objected to because of the following informalities: on page 3, line 27, remove the word "to" that appears before "the Ethernet".

Appropriate correction is required.

***Claim Objections***

Claims 1, 2, 4-7, 12, 20, and 21 are objected to because of the following informalities: "the legacy output data" lacks antecedence. Appropriate correction is required.

Claim 6 is objected to because of the following informalities: "the database" lacks antecedence. Appropriate correction is required.

Claim 7 is objected to because of the following informalities: "the initial step of loading the legacy software in the system server" lacks antecedence. Appropriate correction is required.

Claim 12 is objected to because of the following informalities: "the step of assigning a unique identifier" lacks antecedence. Appropriate correction is required.

Claim 15 is objected to because of the following informalities: "the legacy output signal" lacks antecedence. Appropriate correction is required.

Claim 26 is objected to because of the following informalities: "each legacy output data" lacks antecedence. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 7, and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The use of the word "comprehensive" renders the claim unclear.

Claim 8 recites the limitation "the Ethernet" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the camera zone" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the zone of the camera" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "the unique location" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "the printer port output signal" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 20 recites the limitation "the legacy device database" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 22 recites the limitation "the Ethernet" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 24 recites the limitation "the camera zone" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 24 recites the limitation "the zone of the camera" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 27 recites the limitation "the unique location" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claims 29-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The use of conditional statements using the word "if" renders the claims unclear. It is unknown whether applicant intends to claim the material in the conditional statements. For the purposes of examination, all conditional statements are assumed to evaluate as false.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2142

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 8, 11-14, 16-18, 21-22, and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheikh in view of Richman.

With respect to claim 1, Sheikh discloses a method for collecting data from a device in a non-intrusive manner and transmitting it to a comprehensive networked system, comprising the steps of:

- a. reading the output data generated by a device (fig. 1, items 128 and 129);
- b. transmitting the output data to a system server (fig. 1, items 124, 129, 128, 127, 126, 123, 120, and 100); and
- c. managing the output data via the system server (col. 4, lines 63-67).

Sheikh does not disclose expressly that the data collected from a device in a non-intrusive manner could be legacy data from a legacy device.

Richman discloses that it is known that legacy devices can be incorporated into systems and that data can be obtained from them (col. 16, lines 54-56).

Sheikh and Richman are analogous art because they are both from the same field of endeavor of computing systems.

At the time of invention, it would have been obvious to one of ordinary skill in the art to allow Sheikh's system to utilize legacy devices for the client systems.

The motivation for doing so would have been to allow Sheikh's system to incorporate equipment that is already owned and in place to reduce costs for the system implementation.

Therefore, it would have been obvious to combine Richman with Sheikh for the benefit of reduced costs and equipment reuse to obtain the invention as specified in claim 1.

With respect to claim 2, Sheikh further discloses the step of assigning an identifier to the output data for defining the type of device (col. 4, lines 51-52, 53).

With respect to claim 3, Sheikh further discloses that the identifier also identifies the location of the device (col. 4, line 53).

With respect to claim 4, Sheikh further discloses that the reading step comprises reading the output data on an RS232 output port of the device (col. 3, lines 36-38).

With respect to claim 5, Sheikh further discloses that the reading step comprises reading the output data on a serial output port of the device (col. 6, line 9).

With respect to claim 8, Sheikh further discloses that the data is transmitted in the transmitting step via the Ethernet (col. 6, lines 52-58).

With respect to claim 11, Sheikh further discloses a plurality of devices, each producing a unique output signal, each of which is transmitted to the networked system in the transmitting step (col. 4, lines 51-52).

With respect to claim 12, Sheikh further discloses the step of assigning a unique identifier to the output data for defining each device (col. 4, lines 51-52).

With respect to claim 13, Sheikh further discloses that each unique identifier also identifies the unique location of the device (col. 4, line 53).

With respect to claim 14, Sheikh further discloses a plurality of systems, each system including a device producing an output signal, and wherein the plurality of systems are not compatible with one another (col. 5, lines 66-67; col. 6, lines 1-6).

With respect to claim 16, Sheikh discloses an apparatus for collecting data from a device in a non-intrusive manner and transmitting it to a comprehensive networked system, comprising:

- a. network server (fig. 1, item 100);
- b. a device having an output port through which an output signal is transmitted (fig. 1, item 124);
- c. a transmitter for transmitting the output signal to the network server (fig. 1, item 128).

Sheikh does not disclose expressly that the data collected from a device in a non-intrusive manner could be legacy data from a legacy device.

Richman discloses that it is known that legacy devices can be incorporated into systems and that data can be obtained from them (col. 16, lines 54-56).

Sheikh and Richman are analogous art because they are both from the same field of endeavor of computing systems.

At the time of invention, it would have been obvious to one of ordinary skill in the art to allow Sheikh's system to utilize legacy devices for the client systems.

The motivation for doing so would have been to allow Sheikh's system to incorporate equipment that is already owned and in place to reduce costs for the system implementation.

Therefore, it would have been obvious to combine Richman with Sheikh for the benefit of reduced costs and equipment reuse to obtain the invention as specified in claim 16.

With respect to claim 17, Sheikh further discloses that the output port is a serial output port (col. 6, line 9).

With respect to claim 18, Sheikh further discloses that the output port is an RS232 port (col. 13, lines 36-38).

With respect to claim 21, Sheikh further discloses that the server is adapted for assigning an identifier to the output data for identifying the device (col. 4, lines 51-52).

With respect to claim 22, Sheikh further that the transmitter is the Ethernet (col. 6, lines 52-58).

With respect to claim 25, Sheikh further discloses a plurality of devices (fig. 1, items 122 and 124), each producing a unique output signal, each of which is transmitted to the networked system by the transmitter (col. 4, lines 51-52).

With respect to claim 26, Sheikh further discloses that a unique identifier is assigned to each output data for defining each device (col. 4, lines 51-52).

With respect to claim 27, Sheikh further discloses that each unique identifier also identifies the unique location of the device (col. 4, line 53).

With respect to claim 28, Sheikh further discloses a plurality of systems, each system including a device producing an output signal, and wherein the plurality of systems are not compatible with one another (col. 5, lines 66-67; col. 6, lines 1-6).

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klayh in view of Richman.

Klayh discloses a method for capturing data, comprising:

capturing device data in a multi-media system server (par. 45, lines 2-3);

creating a socket (par. 102, line 4);

reading the data from the socket (par. 102, lines 5-6); and

storing the data in a database associated with the server (par. 45, lines 2-3; fig. 1, item 9).

Klayh does not disclose expressly that the captured data could be legacy data from a legacy device.

Richman discloses that it is known that legacy devices can be incorporated into systems and that data can be obtained from them (col. 16, lines 54-56).

Klayh and Richman are analogous art because they are both from the same field of endeavor of computing systems.

At the time of invention, it would have been obvious to one of ordinary skill in the art to allow Klayh's system to utilize legacy devices.

The motivation for doing so would have been to allow Klayh's system to incorporate equipment that is already owned and in place to reduce costs for the system implementation.

Therefore, it would have been obvious to combine Richman with Klayh for the benefit of reduced costs and equipment reuse to obtain the invention as specified in claim 32.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roy in view of Richman.

Roy discloses a method for managing data, comprising:

receiving an alert signal at a multi-media system server (col. 22, lines 1-3); and

zooming, by a camera, to a location of the alert based on the proximity of the camera to the location (col. 22, lines 8-11).

Roy does not disclose expressly that the alert signal could be from a legacy device.

Richman discloses that it is known that legacy devices can be incorporated into systems and that data can be obtained from them (col. 16, lines 54-56).

Roy and Richman are analogous art because they are both from the same field of endeavor of computing systems.



At the time of invention, it would have been obvious to one of ordinary skill in the art to allow Roy's system to utilize legacy devices.

The motivation for doing so would have been to allow Roy's system to incorporate equipment that is already owned and in place to reduce costs for the system implementation.

Therefore, it would have been obvious to combine Richman with Roy for the benefit of reduced costs and equipment reuse to obtain the invention as specified in claim 33.

Claims 6 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheikh in view of Richman as applied to claims 1 and 16 above, and further in view of Evans.

With respect to claim 6, Sheikh and Richman do not disclose expressly that the device includes a processor having open database connectivity and wherein the reading step comprises reading the output data in the database.

Evans discloses that it is known that systems can support open database connectivity (col. 4, lines 9-10) and that it is possible to read data from a database (col. 5, lines 25-28).

Sheikh, Richman, and Evans are analogous art because they are all from the same field of endeavor of computer systems.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to allow Sheikh and Richman's method to include a device with open database connectivity and to allow data to be read from that database, as taught by Evans.

The motivation for doing so would have been to allow Sheikh and Richman's system to have an organized system of data storage that is accessible by a server.

Therefore, it would have been obvious to combine Evans with Sheikh and Richman for the benefit of data storage and accessibility to obtain the invention as specified in claim 6.

With respect to claim 20, Sheikh and Richman do not disclose expressly that the device includes open database connectivity and wherein the transmitter device receives the output data from the device database.

Evans discloses that it is known that systems can support open database connectivity (col. 4, lines 9-10) and that it is possible to read and transmit data from a database (col. 5, lines 25-28).

Sheikh, Richman, and Evans are analogous art because they are all from the same field of endeavor of computing systems.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to allow Sheikh and Richman's apparatus to include a device with open database connectivity and to allow data to be read and transmitted from that database, as taught by Evans.

The motivation for doing so would have been to allow Sheikh and Richman's system to have an organized system of data storage that is accessible by a server.

Therefore, it would have been obvious to combine Evans with Sheikh and Richman for the benefit of data storage and accessibility to obtain the invention as specified in claim 20.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sheikh in view of Richman as applied to claim 1 above, and further in view of Brockway.

Sheikh and Richman do not disclose expressly that the comprehensive networked system includes a server and wherein the device is driven by software, the method further including the initial step of loading the software in the system server and wherein the device output data is transmitted to the server and managed by the software, and wherein the reading step includes reading the output data transmitted to the server.

Brockway discloses that it is known that it is possible to install driver software on a system server (col. 2, line 58) and that it is possible to transmit data to the server and for the server to read and manage that data (col. 2, lines 59-62).

Sheikh, Richman, and Brockway are analogous art because they are all from the same field of endeavor of computing systems.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to install driver software on Sheikh and Richman's system, and to allow that software to manage the flow of data to the system, as taught by Brockway.

The motivation for doing so would have been to allow Sheikh and Richman's system to have an organized and controlled method of data transfer between remote clients and the server.

Therefore, it would have been obvious to combine Brockway with Sheikh and Richman for the benefit of improved data transfer to obtain the invention as specified in claim 7.

Claims 9, 10, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheikh in view of Richman as applied to claims 1 and 16 above, and further in view of Hollenberg.

With respect to claims 9 and 24, Sheikh and Richman do not disclose expressly that the networked system includes a camera activated by an event in the camera zone, and wherein an output signal from a device in the zone of the camera will activate the camera.

Hollenberg discloses that it is known that devices can be activated by signals from other nodes on a network (col. 11, lines 55-58), including cameras (col. 11, line 45).

Sheikh, Richman, and Hollenberg are analogous art because they are from the same field of endeavor of computing systems.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to equip Sheikh and Richman's system with a camera that could be activated by a signal from another component, as taught by Hollenberg.

The motivation for doing so would have been to allow a remote administrator of Sheikh and Richman's system to obtain a visual image of the physical environment of the system when activated by another component, this component being an error-detection type of component.

Therefore, it would have been obvious to combine Hollenberg with Sheikh and Richman for the benefit of visual monitoring of the system to obtain the inventions as specified in claims 9 and 24.

With respect to claims 10 and 23, Sheikh and Richman do not disclose expressly that the networked system includes networked appliances responsive to an event, and wherein an output signal from a device will activate an appliance response.

Hollenberg discloses that it is known that devices can be activated by signals from other nodes on a network (col. 11, lines 55-58).

Sheikh, Richman, and Hollenberg are analogous art because they are from the same field of endeavor of computing systems.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to equip Sheikh and Richman's system with an appliance, such as a camera, that could be activated by a signal from another component, as taught by Hollenberg.

The motivation for doing so would have been to allow a remote administrator of Sheikh and Richman's system to utilize such an appliance to obtain a visual image of the physical environment of the system when activated by another component, this component being an error-detection type of component.

Therefore, it would have been obvious to combine Hollenberg with Sheikh and Richman for the benefit of visual monitoring of the system to obtain the invention as specified in claims 10 and 23.

Claims 15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheikh in view of Richman as applied to claim 1 above, and further in view of Hauck.

With respect to claim 15, Sheikh and Richman do not disclose expressly that the output signal is the printer port output signal.

Hauck discloses that it is known that a printer port can be used to output data from a device (col. 9, lines 38-40).

Sheikh, Richman, and Hauck are analogous art because they are from the same field of endeavor of computing systems.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to allow Sheikh and Richman's system to utilize a printer port for an output port, as taught by Hauck.

The motivation for doing so would have been to provide Sheikh and Richman's system with another means of outputting signals.

Therefore, it would have been obvious to combine Hauck with Sheikh and Richman for the benefit of additional output means to obtain the invention as specified in claim 15.

With respect to claim 19, Sheikh and Richman do not disclose expressly that the output port is a printer port.

Hauck discloses that it is known that a printer port can be used to output data from a device (col. 9, lines 38-40).

Sheikh, Richman, and Hauck are analogous art because they are from the same field of endeavor of computing systems.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to allow Sheikh and Richman's system to utilize a printer port for an output port, as taught by Hauck.

The motivation for doing so would have been to provide Sheikh and Richman's system with another means of outputting signals.

Therefore, it would have been obvious to combine Hauck with Sheikh and Richman for the benefit of additional output means to obtain the invention as specified in claim 19.

Claims 29 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lotito in view of Gaul, Neill, and Richman.

Lotito discloses a method for capturing data using a serial output port, comprising:

testing an input port (col. 17, line 25);

determining if a log is open (col. 40, lines 26-27);

writing the data to the output port (col. 45, lines 60-61).

Lotito does not disclose expressly the method of testing a socket connection to a server or writing the data to the socket or that the captured output data could be legacy output data from a legacy device.

Gaul discloses that it is known that a socket's connection to a server can be tested (par. 68, lines 1-3).

Neill discloses that it is known that data can be written to a socket (col. 6, line 20).

Richman discloses that it is known that legacy devices can be incorporated into systems and that data can be obtained from them (col. 16, lines 54-56).

Lotito, Gaul, Neill, and Richman are analogous art because they are from the same field of endeavor of electronic systems.

At the time of invention it would have been obvious to a person of ordinary skill in the art to utilize and test a socket connection on Lotito's system, as taught by Gaul. It would also have been obvious to write data to the socket, as taught by Neill.

The motivation for doing so would have been to allow a user to retrieve his or her messages via the Internet reliably.

At the time of invention it would have been obvious to a person of ordinary skill in the art that Lotito's system could utilize legacy devices as taught by Richman.

The motivation for doing so would have been to allow Lotito's system to incorporate equipment that is already owned and in place to reduce costs for the system implementation.

Therefore, it would have been obvious to combine Gaul, Neill, and Richman with Lotito for the benefit of Internet accessibility and cost reduction to obtain the invention as specified in claims 29 and 31.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hebel in view of Dean and Richman.

Hebel discloses a method for capturing data using a system computer, comprising:

reading a database (col. 6, lines 40-41);

saving the read database in a server (col. 6, lines 42-43).

Hebel does not disclose expressly the method step of checking a socket connection to a server. Hebel also does not disclose expressly that the captured data could be legacy data, that the system computer could be a legacy system computer, or that the database and server could be a legacy database and a legacy server.

Dean discloses that it is known that a socket connection to a server can be checked (col. 7, lines 35,37).

Richman discloses that it is known that legacy devices can be incorporated into systems and that data can be obtained from them (col. 16, lines 54-56).

Hebel, Dean, and Richman are analogous art because they are all from the same field of endeavor of computing systems.

At the time of the invention it would have been obvious to allow Hebel's system to check a socket's connection to a server, as taught by Dean.

The motivation for doing so would have been to increase the reliability of the system by checking the socket to ensure that it is connected to a server.

At the time of the invention it would have been obvious to allow Hebel's system to utilize legacy devices, as taught by Richman.

The motivation for doing so would have been to allow Hebel's system to incorporate equipment that is already owned and in place to reduce costs for the system implementation.

Therefore, it would have been obvious to combine Dean and Richman with Hebel for the benefit of socket reliability and reduced costs to obtain the invention as specified in claim 30.


**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea B. Hollar whose telephone number is (571)272-5862. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on (571) 272-3896. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-5358.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ABH

  
JACK D. HARVEY  
SUPERVISORY PATENT EXAMINER